

# CONFIDENTIALITY OF CUSTOMER RECORDS

MGT-1

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## Policy Statement

It is the responsibility of Jensen Memorial Library to protect the privacy of any persons using the library and its materials.

## Definition

The library will not make inquiry into the purpose of customer requests for information or materials, except insofar as it may help the Library to answer the request.

## Guidelines

No information will be shared about a customer or their use of library resources or materials with any private or public agency, local, state, or federal, without an order from a court of competent jurisdiction.

## Regulations

1. All Library records which, by themselves or when examined with other public records, would reveal the identity of the customer checking out or requesting an item from the library are considered confidential. The records shall only be released to a criminal or juvenile justice agency pursuant to an investigation of a particular person or organization suspected of committing a known crime. The records shall be released only upon a judicial determination that a rational connection exists between the requested release of information and a legitimate end and that the need for the information is cogent and compelling.
2. To help ensure the confidentiality of library records, customers are advised to keep their library cards in a secure place, to bring them when visiting the library, to have them on hand when conducting library business over the phone, to report the loss of a library card immediately to the Jensen Memorial Library, and to not allow others to use their cards and PIN numbers.
3. The library will release information to the parent or guardian of a minor child for the purpose of recovering overdue materials and settling accounts for lost, late or damaged material, and for other matters related to the recovery of material or charges incurred by minor children for which a parent or guardian may be considered liable.
4. When calling customers regarding overdue materials or reserves, Staff will use the phone in a private area of the library such as the Office or Crane Room. No calls of this nature should be made at the front desk. Unless talking directly with the customer, staff are not to release the titles of materials overdue or on reserve. If leaving a message, staff may only state that the customer has overdue materials or items on reserve, they are not to give the titles of said materials.

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5. The Director, as the lawful custodian of library records, is authorized to release records that are otherwise confidential if the purpose of such release is in accordance with the provisions of this policy or under the USA PATRIOT Act \*\*.
6. Under receipt of any process, order, or subpoena, the person named and/or served shall immediately report to and consult with the Director and the legal counsel of the City of Minden to determine if such process, order, or subpoena is proper and in full compliance with proper legal authority.
7. Any problems or conditions relating to the invasion of privacy of a customer through the records of the Library shall be referred to the Director, who, after study and consultation with the Board of Trustees and/or legal counsel, shall issue a written decision as to whether to heed the request for information.
8. While the privacy of library users is protected by this policy, all library users are subject to the library's Customer Conduct policy (CUS-9.b), which governs each user's exhibited behavior while on library grounds and determines when legal authorities may be contacted in regards to a customer's behavior.

\*\* The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act) became law on October 26, 2001. Under Section 215 of the act, the Federal Bureau of Investigation (FBI) and law enforcement officials may seek court orders from the Foreign Intelligence Security Act (FISA) Court for Library records for investigations relevant to national security or terrorism without the necessity of demonstrating probable cause. The act prohibits any person or institution served with these search warrants from disclosing the existence of the warrants or the fact that records were produced as a result of the warrants. Customers cannot be told their records were given to law enforcement agencies or that they were the subjects of FBI investigations.